

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**PHILLIP SHANE COWAN**

326 E. Laurel Circle  
Palm Springs, CA 92262

Registered Nurse License No. 211389

Respondent.

Case No. 2006-245

OAH No. L-2006120220

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 28, 2008.

It is so ORDERED December 28, 2007.

*LaTranene M. Tite*

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FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 T. MICHELLE LAIRD, State Bar No. 162979  
Deputy Attorney General  
4 California Department of Justice  
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5 San Diego, CA 92101  
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8  
9 Attorneys for Complainant

10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **PHILLIP SHANE COWAN**

15 326 E. Laurel Circle  
16 Palm Springs, CA 92262

17 Registered Nurse License No. 211389

18 Respondent.

Case No. 2006-245

OAH No. L-2006120220

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
20 above-entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H, R.N (Complainant), is the Executive Officer of  
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
24 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
25 by T. Michelle Laird, Deputy Attorney General.

26 2. Respondent Phillip Shane Cowan (Respondent) is represented in this  
27 proceeding by attorney Edgardo Gonzalez, whose address is 1300 Clay Street, Suite 600  
28 Oakland, California 94612.

3. On or about October 31, 1970, the Board of Registered Nursing issued Registered Nurse License No. 211389 to Phillip Shane Cowan. The Registered Nurse license was in full force and effect at all times relevant to the charges brought in Accusation No. 2006-245 and will expire on October 31, 2008, unless renewed.

## JURISDICTION

4. Accusation No. 2006-245 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 6, 2006. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2006-245 is attached as exhibit A and is incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, discussed with counsel, and fully understands the charges and allegations in Accusation No. 2006-245. Respondent has also carefully read, discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in  
3 Accusation No. 2006-245.

4 9. Respondent agrees that his Registered Nurse license is subject to discipline  
5 and he agrees to be bound by the Board of Registered Nursing's imposition of discipline as set  
6 forth in the Disciplinary Order below.

7 **CONTINGENCY**

8 10. This stipulation shall be subject to approval by the Board of Registered  
9 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the  
10 Board of Registered Nursing may communicate directly with the Board regarding this stipulation  
11 and settlement, without notice to or participation by Respondent or his counsel. By signing the  
12 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
13 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
14 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
15 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
16 action between the parties, and the Board shall not be disqualified from further action by having  
17 considered this matter.

18 **OTHER MATTERS**

19 11. The parties understand and agree that facsimile copies of this Stipulated  
20 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
21 force and effect as the originals.

22 **DISCIPLINARY ORDER**

23 In consideration of the foregoing admissions and stipulations, the parties agree  
24 that the Board may, without further notice or formal proceeding, issue and enter the following  
25 Disciplinary Order:

26 IT IS HEREBY ORDERED that Registered Nurse License No. 211389, issued to  
27 Respondent Phillip Shane Cowan, is revoked. However, the revocation is stayed and Respondent  
28 is placed on probation for three (3) years on the following terms and conditions.

1                   **Severability Clause.** Each condition of probation contained herein is a separate  
2 and distinct condition. If any condition of this Order, or any application thereof, is declared  
3 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
4 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
5 and enforceable to the fullest extent permitted by law.

6                   1.       **Obey All Laws.** Respondent shall obey all federal, state and local laws.  
7 A full and detailed account of any and all violations of law shall be reported by Respondent to  
8 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
9 compliance with this condition, Respondent shall submit completed fingerprint forms and  
10 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
11 as part of the licensure application process.

12                   **Criminal Court Orders:** If Respondent is under criminal court orders, including  
13 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
14 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

15                   2.       **Comply with the Board's Probation Program.** Respondent shall fully  
16 comply with the conditions of the Probation Program established by the Board and cooperate  
17 with representatives of the Board in its monitoring and investigation of the Respondent's  
18 compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
19 within no more than 15 days of any address change and shall at all times maintain an active,  
20 current license status with the Board, including during any period of suspension.

21                   Upon successful completion of probation, Respondent's license shall be fully  
22 restored.

23                   3.       **Report in Person.** Respondent, during the period of probation, shall  
24 appear in person at interviews/meetings as directed by the Board or its designated  
25 representatives.

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1                   4.       **Residency, Practice, or Licensure Outside of State.** Periods of  
2 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
3 of this probation time period. Respondent's probation is tolled, if and when he resides outside of  
4 California. Respondent must provide written notice to the Board within 15 days of any change of  
5 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
6 returning to practice in this state.

7                   Respondent shall provide a list of all states and territories where he has ever been  
8 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further  
9 provide information regarding the status of each license and any changes in such license status  
10 during the term of probation. Respondent shall inform the Board if he applies for or obtains a  
11 new nursing license during the term of probation.

12                  5.       **Submit Written Reports.** Respondent, during the period of probation,  
13 shall submit or cause to be submitted such written reports/declarations and verification of actions  
14 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
15 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
16 Program. Respondent shall immediately execute all release of information forms as may be  
17 required by the Board or its representatives.

18                  Respondent shall provide a copy of this Decision to the nursing regulatory agency  
19 in every state and territory in which he has a registered nurse license.

20                  6.       **Function as a Registered Nurse.** Respondent, during the period of  
21 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
22 hours per week for 6 consecutive months or as determined by the Board.

23                  For purposes of compliance with the section, "engage in the practice of registered  
24 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
25 work in any non-direct patient care position that requires licensure as a registered nurse.

26                  The Board may require that advanced practice nurses engage in advanced practice  
27 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
28 Board.

1           If Respondent has not complied with this condition during the probationary term,  
2 and Respondent has presented sufficient documentation of his good faith efforts to comply with  
3 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
4 grant an extension of Respondent's probation period up to one year without further hearing in  
5 order to comply with this condition. During the one year extension, all original conditions of  
6 probation shall apply.

7           **7. Employment Approval and Reporting Requirements.** Respondent  
8 shall obtain prior approval from the Board before commencing or continuing any employment,  
9 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
10 performance evaluations and other employment related reports as a registered nurse upon request  
11 of the Board.

12           Respondent shall provide a copy of this Decision to his employer and immediate  
13 supervisors prior to commencement of any nursing or other health care related employment.

14           In addition to the above, Respondent shall notify the Board in writing within  
15 seventy-two (72) hours after he obtains any nursing or other health care related employment.  
16 Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated  
17 or separated, regardless of cause, from any nursing, or other health care related employment with  
18 a full explanation of the circumstances surrounding the termination or separation.

19           **8. Supervision.** Respondent shall obtain prior approval from the Board  
20 regarding Respondent's level of supervision and/or collaboration before commencing or  
21 continuing any employment as a registered nurse, or education and training that includes patient  
22 care.

23           Respondent shall practice only under the direct supervision of a registered nurse  
24 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
25 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
26 are approved.

27           Respondent's level of supervision and/or collaboration may include, but is not  
28 limited to the following:

1 (a) Maximum - The individual providing supervision and/or collaboration is  
2 present in the patient care area or in any other work setting at all times.

3 (b) Moderate - The individual providing supervision and/or collaboration is in  
4 the patient care unit or in any other work setting at least half the hours Respondent works.

5 (c) Minimum - The individual providing supervision and/or collaboration has  
6 person-to-person communication with Respondent at least twice during each shift worked.

7 (d) Home Health Care - If Respondent is approved to work in the home health  
8 care setting, the individual providing supervision and/or collaboration shall have person-to-  
9 person communication with Respondent as required by the Board each work day. Respondent  
10 shall maintain telephone or other telecommunication contact with the individual providing  
11 supervision and/or collaboration as required by the Board during each work day. The individual  
12 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
13 site visits to patients' homes visited by Respondent with or without Respondent present.

14 9. **Employment Limitations.** Respondent shall not work for a nurse's  
15 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
16 traveling nurse, or for an in-house nursing pool.

17 Respondent shall not work for a licensed home health agency as a visiting nurse  
18 unless the registered nursing supervision and other protections for home visits have been  
19 approved by the Board. Respondent shall not work in any other registered nursing occupation  
20 where home visits are required.

21 Respondent shall not work in any health care setting as a supervisor of registered  
22 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
23 nurses and/or unlicensed assistive personnel on a case-by-case basis.

24 Respondent shall not work as a faculty member in an approved school of nursing  
25 or as an instructor in a Board approved continuing education program.

26 Respondent shall work only on a regularly assigned, identified and predetermined  
27 worksite(s) and shall not work in a float capacity.

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1 If Respondent is working or intends to work in excess of 40 hours per week, the  
2 Board may request documentation to determine whether there should be restrictions on the hours  
3 of work.

4 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall  
5 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
6 than six months prior to the end of his probationary term.

7 Respondent shall obtain prior approval from the Board before enrolling in the  
8 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
9 completion for the above required course(s). The Board shall return the original documents to  
10 Respondent after photocopying them for its records.

11 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with  
12 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
13 amount of nine-hundred, eighty-seven dollars and fifty cents (\$987.50). Respondent shall be  
14 permitted to pay these costs in a payment plan approved by the Board, with payments to be  
15 completed no later than three months prior to the end of the probation term.

16 If Respondent has not complied with this condition during the probationary term,  
17 and Respondent has presented sufficient documentation of his good faith efforts to comply with  
18 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
19 grant an extension of Respondent's probation period up to one year without further hearing in  
20 order to comply with this condition. During the one year extension, all original conditions of  
21 probation will apply.

22 12. **Violation of Probation.** If Respondent violates the conditions of his  
23 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
24 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
25 license.


26 If during the period of probation, an accusation or petition to revoke probation has  
27 been filed against Respondent's license or the Attorney General's Office has been requested to  
28 prepare an accusation or petition to revoke probation against Respondent's license, the

1 probationary period shall automatically be extended and shall not expire until the accusation or  
2 petition has been acted upon by the Board.

3 **ACCEPTANCE**

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
5 have fully discussed it with my attorney, Edgardo Gonzalez. I understand the stipulation and the  
6 effect it will have on my Registered Nurse license. I enter into this Stipulated Settlement and  
7 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
8 Decision and Order of the Board of Registered Nursing.

9 DATED: 9-27-07

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11   
12 PHILLIP SHANE COWAN  
Respondent

13  
14 I have read and fully discussed with Respondent Phillip Shane Cowan the terms  
15 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
16 Order. I approve its form and content.

17 DATED: 9-27-07

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20 EDGARDO GONZALEZ  
Attorney for Respondent

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: Oct 2, '07

EDMUND G. BROWN JR., Attorney General  
of the State of California

T. Michelle Laird  
T. MICHELLE LAIRD  
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SD2006801488

80153668.wpd

**Exhibit A**

**Accusation No. 2006-245**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ARTHUR D. TAGGART, State Bar No. 083047  
Lead Supervising Deputy Attorney General  
3 California Department of Justice  
1300 I Street, Suite 125  
4 P.O. Box 944255  
Sacramento, CA 94244-2550  
5 Telephone: (916) 324-5339  
Facsimile: (916) 327-8643

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2006-245

12 **PHILLIP SHANE COWAN**  
2836 E. Cortez Street  
13 Phoenix, Arizona 85028

**ACCUSATION**

14 Registered Nurse License No. 211389

15 Respondent.

16  
17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the  
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
21 Affairs.

22 **License History**

23 2. On or about October 31, 1970, the Board issued Registered Nurse License  
24 Number 211389 to PHILLIP SHANE COWAN ("Respondent"). The license will expire on  
25 October 31, 2006, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions ("Code") provides, in  
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### **CAUSE FOR DISCIPLINE**

##### **(Unprofessional Conduct - Out-of-State Discipline)**

8. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined by the Arizona State Board of Nursing ("Board"). Effective November 22, 2005, pursuant to the Board's Consent For Entry of Voluntary Surrender Order No. 0409124, the Board accepted

1 Respondent's voluntary surrender of his Arizona Registered Nurse License No. RN 120015. A  
2 copy of the Board's Consent For Entry of Voluntary Surrender Order No. 0409124 is attached  
3 hereto as Exhibit A and incorporated herein by reference.

4 **PRAYER**


5 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
6 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 211389 issued  
8 to PHILLIP SHANE COWAN;

9 2. Ordering PHILLIP SHANE COWAN to pay the Board the reasonable  
10 costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

11 3. Taking such other and further action as deemed necessary and proper.  
12

13 DATED: 6/1/06  
14

15   
16 RUTH ANN TERRY, M.P.H., R.N.  
17 Executive Officer  
18 Board of Registered Nursing  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant  
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## **Exhibit A**



**ARIZONA STATE BOARD OF NURSING**  
1651 East Morten Avenue, Suite 210  
Phoenix, Arizona 85020-4613  
602-889-5150

IN THE MATTER OF PROFESSIONAL  
NURSE LICENSE NO. RN120015  
ISSUED TO:

PHILLIP SHANE COWAN  
RESPONDENT

**CONSENT FOR ENTRY OF  
VOLUNTARY SURRENDER  
ORDER NO. 0409124**

A complaint charging Phillip Shane Cowan ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §32-1663 (D)(5), Respondent voluntarily surrenders his license for a minimum of five (5) years.

Based on the evidence before it, the Board makes the following Findings of Fact,  
*Conclusions of Law:*

**FINDINGS OF FACT**

1. Respondent holds Board issued professional nurse license no. RN120015.
2. From in or about June 2004, to on or about August 16, 2004, Respondent was employed as a professional nurse by Scottsdale Healthcare Osborn, in Scottsdale, Arizona. On or about August 16, 2004, Respondent's 90-day evaluation indicated Respondent did not follow hospital policy regarding sponge and needle counts; he needed to be more detailed in pre-operative assessment; he did not consistently and accurately document in the operating room record; he left a bovie pad on a patient, with the cord wrapped around the patient's leg, he did not consistently read surgeon preference cards, resulting in inadequate preparation for cases, and he violated the hospital's commitment to

absolute quality of clinical care and service. Respondent's employment was terminated and he was made ineligible for rehire.

3. From in or about August 2004 to on about September 30, 2004, Respondent was employed as a professional nurse at Life Care Center at South Mountain in Phoenix, Arizona. On or about September 27, 2004, Respondent was suspended for 3 days for allegation of violating the rights of 4 residents. On or about September 30, 2004, Respondent's employment was terminated and he was made ineligible for rehire.

4. From in or about October 2003 to in or about November 2004, Respondent was employed as a professional agency nurse for MGA Staffing, in Phoenix, Arizona. Respondent's employment file contained 4 shift evaluations from hospitals which rated his performance as unsatisfactory or needing improvement.

5. From in or about November 2004 to on or about April 26, 2005, Respondent was employed as a professional nurse at Ridegecrest Healthcare in Phoenix, Arizona. On or about January 25, 2005, Respondent received a written warning for making multiple medication errors, residents complaining of not receiving medications, residents complaining that Respondent did not like them, and carelessness, as evidenced by leaving the medication cart unlocked, not documenting treatments, mixing over-the-counter medications from different bottles. Respondent was placed on a 90-day probation. On or about March 22, 2005, Respondent was counseled for:

- Inappropriately sending a skilled level resident on pass.
- Inappropriately sending a punch card of medications home with a resident.
- Taping empty medication vials to a TPN bag to indicate what was in the bag.
- Allowing intravenous infusions to run dry on 2 days.

- Failing to sign that he did treatments on or about March 20, 2005.
- Failing to complete charting on residents on or about March 20, 2005.
- Appearing to sleep on duty, as reported by a resident's family.

On or about April 26, 2005, Respondent's employment was terminated and he was made ineligible for rehire due to numerous resident/family/staff complaints; medication and treatment errors, and a negative attitude.

6. On July 22, 2005, the Board considered Respondent's case and voted to issue an Interim Order for a psychological evaluation to be completed by a Board-approved evaluator to include any additional testing deemed necessary by the evaluator, to be scheduled within 15 days and completed within 45 days, then return to the Board.

7. On July 21, 2005, one day before the Order was issued, Respondent started the evaluation with Dr. Andrew Weissman. Dr. Weissman provisionally diagnosed Respondent with Attention Deficit Hyperactivity Disorder (ADHD) and Depression. Dr. Weissman noted that Respondent tended to make bad judgments, acted impulsively, and did not consider the potential consequences of his behavior. Dr. Weissman further noted Respondent tended to blame others, had significant difficulty with follow through, attention to detail, being easily distracted, and being organized. Dr. Weissman recommended Respondent undergo a psychiatric evaluation and treatment for ADHD and depression.

8. On or about September 2, 2005, Respondent informed Board staff he had reviewed Dr. Weissman's report and was aware of the evaluator's recommendations. Respondent stated his intention to seek a psychiatric evaluation as soon as possible.

9. On or about September 16, 2005, Respondent requested to voluntarily surrender his license.

### **CONCLUSIONS OF LAW**

Pursuant to A.R.S. § § 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-1601 (16) (d), (g), and (j) and A.A.C. R4-19-403 (1), (5), (6), and (25)

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. §§ 32-1663 (D)(5) 32-1664(N) to take disciplinary action against Respondent's license to practice as a professional nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact, Conclusions of Law.

Respondent understands that he has an opportunity to request a hearing and declines to do so. Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal, or judicial review relating to this Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into the Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this voluntary surrender is effective upon its acceptance by the Executive Director or the Board and by Respondent as evidenced by the respective signatures

thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by the Respondent, the agreement cannot be withdrawn without the Executive Director or the Board's approval or by stipulation between the Respondent and the Executive Director or the Board. The effective date of this Order is the date the Voluntary Surrender is signed by the Executive Director or the Board and by Respondent. If the Voluntary Surrender is signed on a different date, the later date is the effective date.

Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent also understands that he may not reapply for reinstatement during the period of Voluntary Surrender.

Respondent agrees that he may apply for reinstatement after the period of voluntary surrender under the following conditions, and must comply with current law at the time of their application for reinstatement:

The application for reinstatement must be in writing and shall contain therein or have attached thereto substantial evidence that the basis for the voluntary surrender has been removed and that the reinstatement of the license does not constitute a threat to the public's health, safety and welfare. The Board may require physical, psychological, or psychiatric evaluations, reports and affidavits regarding the Respondent as it deems necessary.

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These conditions shall be met before the application for reinstatement is considered.

Phillip S Cowan

Respondent

Date: 11-21-05

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour

Joey Ridenour, R.N., M.N.  
Executive Director

Dated: 11/22/05

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MUNGER/COWANRN120015


**ORDER**

Pursuant to A.R.S. § 32-1663 (D)(5) the Board hereby accepts the Voluntary Surrender of professional nurse license number RN120015, issued to Phillip Shane Cowan. This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement. Respondent shall not practice in Arizona under the privilege of a multistate license.

IT IS FURTHER ORDERED that Respondent may apply for reinstatement of said license after a period of five (5) years.

SEAL

ARIZONA STATE BOARD OF NURSING

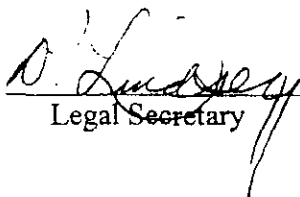
  
Joey Ridenour, R.N., M.N.  
Executive Director

Dated: 11/22/05

JR/SMM:smm

COPY mailed this 21<sup>st</sup> day of September 2005, by First Class Mail to:

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By:   
Legal Secretary